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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,024	04/26/2001	Barry Appelman	06975-128001	6929
26171	7590	06/13/2005	EXAMINER	
FISH & RICHARDSON P.C. P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			REID, CHERYL M	
			ART UNIT	PAPER NUMBER
			2142	
DATE MAILED: 06/13/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/842,024

Applicant(s)

APPELMAN ET AL.

Examiner

Cheryl M. Reid

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-11 and 15-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-2, 4-11, 15-20 have been examined.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 7-10, 15-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Naidoo (US 6629136).
3. In regards to claims 1, 15 and 19 Naidoo teaches of establishing a connection with one or more online users (Col 7, lines 30-35); designating targeting rules applicable to the online users the targeting rules designating at least a target geographic location (Col 8, lines 30-35) wherein one of the targeting rule is that the user is required to provide an address; acquiring context information of the online users the context information indicating at least geographic locations of the online users (Col 8, lines 40-45); applying the targeting rules to the context information to identify a subset of the online users that are associated with the target geographic location (Col 9, lines 38-41, Col 5, lines 55-65) wherein the subset of users are those who have access to a particular email distribution list; generating a message that contains information related

to the target geographic location and sending the message to the identified subset of the online users (Col 10, lines 65-67).

4. In regards to claim 2 Naidoo teaches of wherein the message comprises a notification message (Col 6, line 17-20).

5. In regards to claim 7, Naidoo teaches of wherein the context information of online users includes a token (i.e. indication) identifying the geographic location of an online user (Col 8, lines 30-35).

6. In regards to claims 8-9, 16-17 Naidoo teaches of information related to the geographic location comprises current weather conditions and weather forecast for the target geographic location (Col 11, line 1, fig 6) wherein the forecast is for Tuesday-Friday and current weather conditions is weather displayed for Monday.

7. In regards to claim 10, Naidoo teaches of wherein the targeting rules include specified parameters and applying the targeting rules to the context information includes identifying online users meeting the specified parameters (Col 10, lines 9-13, 30-35, Col 9, lines 1-5 Col 10, lines 45-50) wherein the specified parameter is that user can only access content relating to user's geographical area.

8. In regards to claim 18, Naidoo teaches that the computer readable medium comprises a host device (Fig 1, item 120).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 11 and 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Naidoo as applied to claims 1 and 19 above, and further in view of Boe et al hereafter Boe (US 6236975).

11. In regards to Claim 11, Naidoo does not explicitly teach of ranking online users. Boe teaches of ranking online users (Col 1, lines 45-50). Naidoo teaches that the content that is sent to the user can be any information or service that may be provided over a network (Col 3, lines 40-42). Naidoo also teaches that content may also include one or more promotional notices (i.e. advertisements) (Col 3, lines 50-55). It would have been obvious to one of ordinary skill in the art to incorporate Boe's teaching of ranking online users into Naidoo system because it would give businesses information regarding which customers would be more receptive to advertisement. One of ordinary skill in the art at the time of invention would have been motivated because this would reduce businesses expenditures by allowing them to send advertisements to customers who are interested in their products as discussed by Boe (Col 1, lines 10-65).

12. In regards to claim 20, Naidoo does not disclose a targeting server interconnected with an instant voting server and a routing processor. Boe's invention teaches of a survey system that comprises a targeting server. Boe reveals a survey system that includes a server that request/evaluate targeting questions (Col 3, lines 23-26, lines 36-38). Examiner is interpreting "targeting server" as any server that uses

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targeting rules because this definition offers the broadest reason of interpretation. Boe teaches that the survey system consist of an instant voting server and a routing processor (Col 4, lines 48-52). Examiner is interpreting "instant voting server" as any server that is capable of allowing respondents to instantly vote and/or instantly receive results. Boe teaches that system is capable of providing respondents with results while he or she is online (Col 4. lines 51-52). The American Heritage College dictionary defines instant as a short time. A respondent's online session would be considered a "short time", i.e. instant. It is inherent that Boe's system uses a routing processor because his invention transmits data over the Internet. Naidoo teaches that content can include chat room services and instant messaging capabilities (Col 3, lines 40-55, Col 6 lines 13-16). It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate Boe's teachings about a targeting server interconnected with an instant voting server because it would provided additional functionality to the chat room/instant messaging components of Naidoo's invention. Adding the above- feature would allow users to instantly receive results relating to local events. One of ordinary skill in the art at the time of invention would have been motivated to make the above-mentioned modifications because it result in a more efficient and versatile system that provides users with up-to-date information.

13. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Naidoo as applied to claim 1 above, and further in view of Hamlin et al hereafter Hamlin (US 6477504).

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14. In regards to claim 4, Naidoo teaches of applying the targeting rules to the context information to identify a subset of users that are located in the target geographic location (Col 5, lines 55-65, Col 10, lines 45-50) but does not explicitly teach of wherein the targeting rules additionally designate an online location. Hamlin teaches of the targeting rules additionally designate an online location (Col 11, lines 53-63, 65-67). Naidoo teaches that content may also include one or more promotional notices (i.e. advertisements) (Col 3, lines 50-55). It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teaching of Hamlin in regard to online location as a targeting rule because this would result in advertisers reaching or attracting a target group of people. One of ordinary skill in the art at the time of invention would have been motivated because this would reduce business expenditures by allowing companies to send advertisements to targeted customers as discussed by Hamlin (Col 2, lines 30-33).

15. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Naidoo as applied to claim 1 above, and further in view of Roberts et al hereafter Roberts (US 6895387).

16. In regards to claims 5-6, Naidoo teaches of applying the targeting rules to the context information to identify a subset of users that are located in the target geographic location (Col 5, lines 55-65, Col 10, lines 45-50) but does not explicitly teach of wherein targeting rules additionally designate a particular type of access device and software employed by the user. Roberts teaches of targeting rules additionally designate a

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particular type of access device and software employed by the user (Col 3, line 67, Col 4 lines 1-2). Naidoo teaches that content may also include one or more promotional notices (i.e. advertisements) (Col 3, lines 50-55). It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate Roberts teaching of targeting rules additionally designate a particular type of access device and software employed by the user into Naidoo's system because this would result in advertisers reaching or attracting a target group of people. One of ordinary skill in the art at the time of invention would have been motivated because this would reduce business expenditures by allowing companies to send advertisements to targeted customers as discussed by Roberts (Col 1, lines 40-50, 65-67, Col 2, lines 1-5, Col 3, lines 20-22).

Conclusion

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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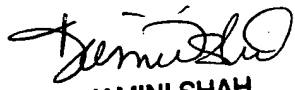
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl M. Reid whose telephone number is 571 272 3903. The examiner can normally be reached on Mon- Fri (7-3:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dharia Rupal can be reached on (571)272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

cmr


KAMINI SHAH
PRIMARY EXAMINER

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